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ABSTRACT

This ERIC Digest on teaching about the Bill of Rights in the schools examines the status, the deficiencies, and means to improve citizenship education. Currently, the Bill of Rights is taught at least four times during the elementary and secondary grades. Constitutional rights and liberties are stressed in K-12 curriculum goals for social studies guides published by local school districts, state departments of education, and the National Assessment for Educational Progress. A thorough understanding of the Bill of Rights is necessary for responsible citizenship, but a variety of surveys of U.S. adults and high school students revealed that they are not retaining important knowledge, values, and attitudes about constitutional rights and liberties. The deficiencies that were noted in these surveys are: (1) ignorance of the content and meaning of the Bill of Rights; (2) civic intolerance in application of constitutional liberties and rights; (3) misunderstanding of the federal judiciary's role in regard to Bill of Rights issues; and (4) inability to rationally analyze and judge issues. To improve this educational process, the Digest suggests: (1) teaching core concepts systematically through a rule-example-application strategy; (2) using case studies to teach skills in analyzing and judgment; and (3) establishing and maintaining an open classroom environment so that issues can be discussed. A 15-item reference and ERIC resources list is included. (DJC)

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Teaching the Bill of Rights

by John J. Patrick

The two-hundredth anniversary of the federal Bill of Rights in 1991 is the culmination of a multi-year bicentennial celebration of the U.S. Constitution. It is also a special occasion for renewal and improvement of education on core values and principles in the U.S. Bill of Rights.

The great importance of the Bill of Rights in the civic life of Americans justifies placing great emphasis on this document in the curriculum of schools. And effective teaching and learning about the Bill of Rights are required to prepare young Americans for citizenship in their constitutional democracy. This ERIC Digest examines education about the Bill or Rights in schools: (1) the status of it, (2) deficiencies in it, and (3) means to improve it.

What Is Taught about the Bill of Rights in Schools? Understanding of the Bill of Rights is an important part of education for responsible citizenship in the United States, as indicated by curriculum guides and standard textbooks in American history, government, and civics. Constitutional rights and liberties are emphasized in statements of goals for education in the social studies published by local school districts, state-level departments of education, and the National Assessment for Educational Progress (1988, 12-13).

Most Americans have studied the Bill of Rights at least four times in school—(1) in a fifth-grade American studies course, (2) in a junior high/middle school American history course, (3) in a high school American history course, and (4) in a high school American government or civics course. In addition, a growing number of students learn about Bill of Rights concepts and issues through special units or elective courses in law-related education. These formal courses of study expose students to ideas in the Bill of Rights as well as the document's origin and development, and its relevance to citizenship and government in the United States.

Despite these ample opportunities for education on the Bill of Rights, many Americans have failed to learn or retain important knowledge, values, and attitudes about constitutional rights and liberties, as revealed by various studies of the past twenty-five years (Hearst Report 1987; Quigley et al. 1987; Ravitch and Finn 1987; Elam 1984; NAEP 1983; McCloskey and Brill 1983; Remmers and Franklin 1963).

What Are Major Deficiencies in Learning about the Bill of Rights? Deficiencies in civic learning pretain to

- ignorance of the content and meaning of the Bill of Rights;
- civic intolerance in application of constitutional liberties and rights;
- misunderstanding of the federal judiciary's role in regard to Bill of Rights issues;
- inability to rationally analyze and judge Bill of Rights issues.

1. **There is widespread ignorance about the content and meaning of the Bill of Rights.** A recent nation-wide survey by the Hearst Corporation found that a majority of American adults do not know that the Bill of Rights is "the first 10 amendments to the original Constitution" (1987, 13). By contrast, a 1987 study by the Center for Civic Education (CCE) showed that most high school students did know that the Bill of Rights is the first ten amendments to the Constitution and that its purpose is to list and guarantee individual rights" (Quigley et al. 1987, 3). However, the students in this sample were misinformed about specific constitutional rights and ignorant of the meaning, history, and application of key concepts, such as due process of law, freedom of expression, and freedom of religion. Results of the National Assessment of Educational Progress have also shown glaring gaps in secondary school students' knowledge of the Constitution in general and civil rights and liberties in particular (NAEP 1983; Ravitch and Finn 1987).

2. **Public attitudes about the Bill of Rights are generally positive, but support for certain liberties and rights tends to markedly decline when they are applied to cases involving unpopular minority groups or individuals.** Numerous studies from the 1950s to the 1980s have confirmed this finding (McCloskey and Brill 1983). The Purdue Youth Opinion Polls of the 1950s found a large proportion of American high school students to be "authoritarian" in their attitudes toward the Bill of Rights, because they tended to oppose application of certain civil rights and liberties to blacks, communists, atheists, and other unpopular minority groups or individuals (Remmers and Franklin 1963, 61-72). Adolescents of the 1980s were given the same statements about the Bill of Rights used in the 1950s Purdue polls. An even greater proportion of these 1980s teen-agers displayed authoritarian attitudes about certain constitutional rights than the 1950s students. For example, a larger percentage of the 1980s students were willing to allow a police search without a warrant, to deny legal counsel to criminals, and to accept restrictions on religious freedom (Elam 1984).

3. **High school students and adults tend to misunderstand the federal judiciary's role in dealing with disputes about the meaning and application of constitutional rights.** In the Center for Civic Education study, most students had misconceptions about judicial review and were unaware of the perennial conflict between judicial review and majority rule (Quigley et al. 1987, 5). These conclusions were paralleled by the Hearst Report which also found that about half of the adult respondents misconceived the role and powers of the Supreme Court in our constitutional system of separated powers and checks and balances (1987, 23-26). Michael Kammen's history of the Constitution in American culture documents the long-standing public ambivalence to and misun-

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derstanding of the Supreme Court's role in protecting individual rights against the potential tyranny of majority rule (1986, 357-380).

4. **Most high school seniors seem unprepared to define, analyze, and evaluate Bill of Rights issues.** Lack of knowledge is an obvious obstacle to defensible deliberation and discourse about constitutional issues. If students cannot recognize and comprehend their rights in the U.S. Constitution, then they certainly will not be able to cogently reflect upon them. Research of the past twenty-five years indicates that most adolescents are incapable of high-level cognitive ability when thinking about legal or moral issues of the kind raised by controversies over constitutional rights. In their report on the 1986 NAEP study of students' knowledge of history, Ravitch and Finn conclude: ". . . many of the most profound issues of contemporary society . . . have their origins and their defining events in the evolving drama of the Constitution. Yet our youngsters do not know enough about that drama, either in general or in specific terms, to reflect on or think critically about its meaning" (1987, 58).

How Can Education on the Bill of Rights Be Improved? Research about teaching strategies and civic learning suggests that understanding of Bill of Rights concepts and issues and positive attitudes about the paradoxical ideals of a consitutional democracy (such as a majority rule with minority rights) can be achieved by most secondary school students. Tested teaching strategies involve

- systematic teaching of Bill of Rights concepts;
- case studies on Bill of Rights issues;
- examination and discussion of issues in an open classroom climate.

1. **Teach core concepts systematically through a rule-example-application strategy.** This manner of teaching and learning constitutional concepts is exemplified in *Lessons on the Constitution* (Patrick and Remy 1985, 118-126). It involves clear presentations of criteria that define a concept (rules), numerous examples of the criteria, and activities that challenge students to apply the defining criteria to organization and interpretation of new data and examples.

2. **Teach Bill of Rights issues, and skills in analyzing and making judgments about them, through case studies that vividly portray individuals in conflict over these issues**. This strategy has been used successfully in various curriculum development projects from the 1960s through the 1980s (Oliver and Shaver 1966; Patrick and Remy 1985). In particular, projects in law-related education have emphasized lessons based on case studies and have documented the instructional effectiveness of this strategy (Study Group on Law-Related Education 1978). Research has determined, for example, that case study lessons on constitutional rights issues have positively affected development of students' attitudes toward minority rights (Patrick 1977).

3. **Establish and maintain an open and supportive classroom environment in which to examine and discuss Bill of Rights issues**. If students feel free and secure about expressing ideas on controversial topics, even if their ideas are unusual or unpopular, they are more likely to develop positive attitudes about Bill of Rights ideals and to learn high-level cognitive skills necessary to responsible citizenship in a constitutional democracy (Leming 1985, 162-163).

References and ERIC Resources

The following list of resources includes references used to prepare this Digest. The items followed by an ED number are in the ERIC system and are available in microfiche and paper copies from the ERIC Document Reproduction Service (EDRS). For information about prices, contact EDRS, 1900 Wheeler Avenue, Alexandria, Virginia 22304; telephone numbers are 703-823-0500 and 800-227-3742. Entries followed by an EJ number are annotated monthly in CIJE (*Current Index to Journals in Education*) which is available in most libraries. EJ documents are not available through EDRS; however, they can be located in the journal section of most libraries by using the bibliographic information provided below.

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